

## **MANSFIELD TOWNSHIP COMMITTEE MEETING**

**November 10, 2021**

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Express Times NJ Zone of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Salute to the flag was done by all.

### **APPROVAL OF THE MINUTES**

Mr. Hayes made a motion to approve the October 27, 2021 Regular Session Minutes, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

Mrs. Mora Dillon made a motion to approve the October 27, 2021 Executive Session Minutes, which was seconded by Mr. Hayes.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

### **BILL LIST**

Mrs. Mora Dillon made a motion to approve the November 10, 2021 Bill List, which was seconded by Mr. McGuinness.

Ayes: Mr. Hayes, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: Mr. Farino

### **PRESENTATION**

Jack Cornish, Esq., and Dick Appleby, 221 Main Street, Port Murray, spoke to the Committee in reference to the Township acquiring the Port Murray Train Station property. After an extensive discussion, Mrs. Mora Dillon and Mayor Watters stated the Committee will discuss it in Executive Session.

### **EXECUTIVE SESSION**

Mrs. Mora Dillon made a motion to move into Executive Session at 8:06 pm to discuss litigation tax appeal for Green Eagle, which was seconded by Mr. Hayes

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

### **RETURN TO REGULAR SESSION**

Mr. Hayes made a motion to return to regular session at 8:28 pm, which was seconded by Mrs. Mora Dillon.

Roll Call: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Mr. Lavery stated the Executive Session discussion will include:

- Tax appeal for Green Eagle Property

No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no longer a harm to the public interest.

### **CLERK'S REPORT**

Ms. Hrebenak stated:

Received a request from Operation Toy Train to place a collection bin in the hallway.

There are a couple of items for discussion in Executive Session.

### **FINANCE REPORT**

Mrs. Mollineaux stated the following are on the agenda:

Janes Chapel, and Tax Map award contract, budget transfers, and a couple of items for Executive Session.

### **EMPLOYEES' REPORTS**

Mrs. Fascenelli reported:

Town-Wide Paper Shredding Event – On October 16<sup>th</sup>, 68 residents brought in 1.95 tons (3,900 pounds) of paper to be shredded.

Electronic Waste, Scrap Metal, Large Rigid Plastics and Mercury Switch Thermostats Event – Scheduled for Saturday, November 13<sup>th</sup> from 8:30 am to 12:30 pm at the DPW Garage.

Plastic Bags & Straws – May be given out by request only at restaurants started November 4<sup>th</sup>. The single use plastic bag and paper bag ban go into effect on May 4, 2022.

## **PRESENTATION**

A presentation from Neighborhood Sun – NJ Community Solar Program for renewable energy for low to moderate income households. Mayor Watters stated we post this program on the Township website.

## **PUBLIC PORTION**

Mayor Watters opened the Public Portion of the meeting for comments.

Ellen Nerbak, chair of the Heritage Scenic Byway Committee stated she would like the Township to buy the Port Murray Train Station. She stated the Train Station property is on the Historic Registry.

Rose Benson, who is moving into the Township, spoke about the purchase of the Port Murray Train Station.

Heinz Sulvain, 701 Mt. Bethel Road, stated he has gotten no response regarding the water problem and his driveway. Mayor Watters stated he spoke to the engineer and road supervisor and they put together a plan to straighten the road situation. Mr. Sulvain questioned why he hasn't received the expense report he requested that paid for the driveway across from him.

Nick Toscano, Rt. 57 Auto Salvage, questioned the Committee about his violations. Mayor Watters stated to call the Zoning Officer directly.

Carol Thompson, Rt. 57, spoke in reference to the Route 57 Auto Salvage operating without a license. Mr. Lavery stated it has to be settled in court.

Mayor Watters asked for further comment from the public; seeing none, the public portion was closed.

## **RESOLUTIONS**

### **RESOLUTION 2021-201 TOWNSHIP OF MANSFIELD WARREN COUNTY, NEW JERSEY**

**WHEREAS**, there exists a need for the service of a Special Services Engineer in the Township of Mansfield for zoning services; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:1 1-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, in the County of Warren as follows:

The agreement with Paul W. Ferriero, with the Engineering Office of Ferriero Engineering, Inc. is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:1 1-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law. A copy of the Agreement is on file for inspection with the Clerk of the Township of Mansfield.

1. This contract shall be for an additional \$ 3,000.00.
2. A notice of this action shall be printed once in the Express Times-NJ Zone.

**CHIEF FINANCIAL OFFICER CERTIFICATION**

I, Donna M. Mollineaux, Chief Financial Officer of the Township of Mansfield, hereby certify that funds will be made available for the above referenced contract for an additional amount of \$ 3,000.00. The appropriation will be made available through the following accounts:

1-01-21-180-0000-4030                      Zoning Services                      \$ 3,000.00 (additional)

RESOLUTION # 2021 –202  
REFUND OF A LAND USE BOARD VARIANCE APPLICATION  
TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, Borealis Compound, Inc. issued a check dated May 2012 to the Township of Mansfield, County of Warren,  
**WHEREAS**, there remains a balance of \$ 405.00 in the escrow account,  
**WHEREAS**, the project is complete,  
**NOW, THEREFORE, BE IT RESOLVED**, that the Township Finance Office be authorized to refund the amount of \$ 405.00 to Borealis Compound, Inc.

**Resolution #2021-203**

Award of Bid for Janes Chapel Road Improvements to  
South State, Inc., PO Box 68, Bridgeton, NJ 08302 in the Amount of \$626,493.50

**WHEREAS**, the Township of Mansfield received bids on Thursday, October 28, 2021, at 10:00 am for Janes Chapel Road Improvements:

BIDDER NAME	TOTAL BID AMOUNT
<i>South State, Inc.</i>	<b>\$626,493.50</b>
<i>Top Line Construction Corp</i>	<b>\$755,650.96</b>
<i>Capitol Paving and Construction</i>	<b>\$757,767.55</b>
<i>JA Alexander, Inc</i>	<b>\$827,668.96</b>

**WHEREAS**, it is the recommendation to award the contract to South State, Inc, PO Box 68, Bridgeton, NJ 08302, in the amount of \$626,493.50; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations to follow; and

**WHEREAS**, this contract has been awarded to South State, Inc. through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq; and

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that the bid be awarded to: South State, Inc, in the amount of \$626,493.50.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Mansfield that in accordance with the bid specifications, the contract between Mansfield Township ("Owner") and South State, Inc., ("Contractor") shall contain:

1. Provisions of all labor, material, and equipment necessary to perform all work as indicated on the Drawings and Specified for the Janes Chapel Road Improvements.
2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.

3. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
4. The cost of this contract is not to exceed the total bid amount unless negotiated in advance of service delivery, and the Township Committee approves an amendment revising that figure.
5. Billing must be rendered within 30 days of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to resolution as Exhibit B.
7. The Township may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon 10 days written notice via certified mail.
8. The Contractor shall commence the work not later than 10 calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.
9. The completion time period shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process, and deliver all equipment and materials, to obtain necessary permits and approvals, to perform the proper installation contemplated under this Contract and all else necessary and incidental in connection with the performance of this Contract.
10. If the Contractor fails to complete the work within the specified time plus extensions, the Contractor shall be responsible to the Township for liquidated damages in the sum of \$1000.00 per day for every day thereafter until the completion and acceptance of the work. Such liquidated damages shall not be considered as a penalty. The Township shall deduct and retain out of any money due or to become due herein to Contract the amount of the liquidated damages
11. In accordance with bid specifications, if the Contractor, upon notification by the Township of Mansfield, fails to execute the contract prepared by the Township attorney within 10 days of such notification with the Township of Mansfield, the Township may rescind the award of the bid to the Contractor and award the contract to another bidder, and shall have the right to proceed against the guaranty accompanying the bid.

**RESOLUTION 2021-204  
TOWNSHIP OF MANSFIELD  
WARREN COUNTY, NEW JERSEY**

**WHEREAS**, there exists a need for updated Tax mapping; and  
**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:1 1-1 et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, in the County of Warren as follows:

The agreement with Kevin Zelinsky of the firm Remington and Vernick Engineers is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:1 1-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law. A copy of the Agreement is on file for inspection with the Clerk of the Township of Mansfield.

3. This contract shall not exceed \$ 95,000.00.
4. A notice of this action shall be printed once in the Express Times-NJ Zone.

**CHIEF FINANCIAL OFFICER CERTIFICATION**

I, Donna M. Mollineaux, Chief Financial Officer of the Township of Mansfield, hereby certify that funds will be made available in the amount not to exceed \$ 63,950.00. The appropriation will be made available through the following account:

1-01-55-225-0000-0000	Special Emergency Tax Maps	\$ 95,000.00 Not to exceed
-----------------------	----------------------------	----------------------------

**RESOLUTION NO. 2021-205  
OF THE TOWNSHIP COMMITTEE OF  
THE TOWNSHIP OF MANSFIELD**

**Authorizing Payment of Municipal Obligations**

**WHEREAS**, the Township Committee of the Township of Mansfield finds and declares that certain municipal obligations have come due and are now payable; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Mansfield does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Deputy Treasurer, from the following accounts and in the following amounts:

**WHEREAS**, the Township Committee further finds and declares that said obligations have been itemized on the annexed schedules, which are hereby deemed part of this Resolution;

<b>BILLS LIST</b>	
CURRENT	\$1,989,103.71
CAPITAL	\$
TRUST	\$
DOG	\$
RECREATION	\$
OPEN SPACE	
DEV ESCROW	\$852.65
UNEMPLOYMENT	\$
TAX PREMIUM	\$
MANDATORY DEV	\$
OUTSIDE EMPLOY	\$
FORF ASSETS	\$
<b>TOTAL</b>	<b>\$1,989,956.36</b>

<b>PREPAID LIST</b>	
CURRENT	\$122,967.75
CAPITAL	
TRUST	
DOG	
RECREATION	
OPEN SPACE	\$7.79
DEV ESCROW	
UNEMPLOYMENT	\$
TAX PREMIUM	
MANDATORY DEV	
OUTSIDE EMPLOY	
<b>TOTAL</b>	<b>\$122,975.54</b>

RESOLUTION # 2021- 206  
FOR TRANSFER OF FUNDS  
TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, there are insufficient funds in some of the 2021 budget line items; and  
**WHEREAS**, N.J.S.A. 40A:4-58 permits the transfer of funds from accounts with a surplus to cover such demands,  
**NOW, THEREFORE BE IT RESOLVED**, (not less than two-thirds of all members thereof affirmatively concurring) that the Chief Financial Officer of Mansfield Township, County of Warren, State of New Jersey, is hereby authorized to make the following transfers in accordance with the provision of this resolution:

<u>Account:</u>	<b>CURRENT FUND</b>	<u>To:</u>
	<u>From:</u>	
Group Health	\$ 25,000.00	
Social Security OE		\$ 10,000.00
Recreation OE		\$ 10,000.00
Accrued Sick Leave OE		\$ 5,000.00
<b>TOTALS</b>	<b>\$25,000.00</b>	<b>\$25,000.00</b>

**RESOLUTION NO. 2021-207  
OF THE TOWNSHIP COMMITTEE OF  
THE TOWNSHIP OF MANSFIELD**

***A RESOLUTION OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF WARREN  
AND STATE OF NEW JERSEY, AUTHORIZING THE PURCHASE OF SCBA  
CYLINDERS UNDER STATE CONTRACT NO. T0790***

**WHEREAS**, the Mansfield Township Fire Company #1 had solicited grants to replace Self-Contained Breathing Apparatus (SCBA) equipment and bottles; and

**WHEREAS**, the Mansfield Township Fire Company #1 was unsuccessful in receiving any grants for this purpose; and

**WHEREAS**, the Township of Mansfield has reserved capital funds if the necessity arises to assist in capital purchases for the fire companies; and

**WHEREAS**, the purchase of goods and services, without advertising for bids, by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

**WHEREAS**, New Jersey Fire Equipment Company of Green Brook has been awarded New Jersey

State Contract No. T0790 for Self-Contained Breathing Apparatus; and

**WHEREAS**, the Fire Chief for the Mansfield Township Fire Company #1 recommends the utilization of this contract on the grounds that it is the best means available to obtain the SCBA cylinders; and

**WHEREAS**, the contract to New Jersey Fire Equipment Company shall not exceed the amount of \$13,800.00; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds from the Capital Reserves; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, in the County of Warren and State of New Jersey, as follows:

1. The Township of Mansfield hereby authorizes the purchase of SCBA cylinders from New Jersey Fire Equipment Company, 119-131 Route 22, Green Brook, NJ 08812 under New Jersey State Contract No. T0790.
2. The total fee authorized for this contract shall not exceed \$13,800.00 without the prior written approval of the Township Committee.
3. The Mayor, Township Clerk and/or such other officials as is necessary and proper are hereby authorized to execute documents necessary to implement this Resolution.
4. A copy of this resolution shall be provided to the Township Chief Financial Officer and New Jersey Fire Equipment for their information and guidance.

This Resolution shall take effect immediately.

Mr. Hayes made a motion to approve Resolutions 2021-201 – 2021-207, which was seconded by Mrs. Moral Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters  
Nays: None  
Absent: None  
Abstain: None

## **ORDINANCES**

### **First Reading**

#### **Mayor Watters introduced Ordinance 2021-19:**

**ORDINANCE 2021-19  
TOWNSHIP OF MANSFIELD  
COUNTY OF WARREN, NEW JERSEY**

**AN ORDINANCE AMENDING CHAPTER 302, TAXATION OF THE CODE OF THE TOWNSHIP OF MANSFIELD**

**WHEREAS**, pursuant to N.J.S.A. 54:4-3.31, upon review and approval of the required documentation by the municipal tax assessor, the assessor shall allow said exemption from taxation for the tax year in which the claim was filed; and

**WHEREAS**, pursuant to N.J.S.A. 54:4-3.32, the township committee of each municipality by appropriate resolution, may return all taxes collected on property from prior years which would have been exempt had proper claim been timely made in writing; and

**WHEREAS**, the Mayor and Committee of the Township of Mansfield desire to establish a formal policy providing that a retroactive refund on property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the current year of the submission of the proper claim to the tax assessor required by N.J.S. 54:4-3.30.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Committee of the Township of Mansfield, in the County of Warren, and state of New Jersey, that the following amendments be made to Chapter 302, Taxation, as follows:

**SECTION I**

Chapter 302, Taxation, Article 2, Disabled Veterans, is hereby created and shall read as follows:

Article 2 100% Disabled Veteran Tax Refunds

302A refund of property taxes pursuant to N.J.S.A. 54:4-3.32 shall be granted provided that the applicant submits a complete application to the tax assessor as required by N.J.S.A. 54:4-3.30. The refund of taxes may be granted retroactively only to the date that the complete application was submitted to the tax assessor. No refunds shall be authorized under this section for any year, or portion thereof, prior to the year in which this ordinance took effect.

The above ordinance was introduced for First Reading by the Mayor and Township Committee of Mansfield, Warren County at a regular meeting held on November 10, 2021 and a Final Adoption at Public Hearing to be held December 8, 2021 at 7:30 pm at the Municipal Building in and for said Township, at which time the public may comment.

Mr. Hayes made a motion to approve the first reading of Ordinance 2021-19 with a second reading on December 8, 2021, at 7:30 pm, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

### **Second Reading**

**ORDINANCE # 2021 –15**

**AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE SALARIES AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MANSFIELD AND THE METHOD OF PAYMENT OF SUCH SALARIES AND**

**BE IT ORDAINED**, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey as follows:

**SECTION 1**, The salaries per annum of rates of compensation of the following officers and employees of the Township of Mansfield are determined to be as follows:

Part-Time Registered Municipal Clerk	\$ 0	\$ 40,000.00
Acting Municipal Clerk	\$ 40,000.00	\$ 90,000.00
Municipal Clerk	\$ 46,250.00	\$ 86,000.00

The above ordinance was introduced for First Reading by the Mayor and Township Committee of the Township of Mansfield, Warren County at the regular meeting held on October 13, 2021 and a Final Adoption at Public Hearing to be held on November 10, 2021 at 7:30 pm at the Municipal Building in and for said Township, at which time the public may comment.

Mrs. Mora Dillon made a motion to approve Ordinance 2021-15, which was seconded by Mr. McGuinness.

Mayor Watters opened the public portion of the meeting; seeing no comment from the public, public portion was closed.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

**RESOLUTION 2021-208**

**RESOLUTION # 2021- 208**

**TO AUTHORIZE AND APPROVE A SALARY FOR AN EMPLOYEE**

**WHEREAS**, Ordinance Number 2021-15 established the salaries and wages for certain employees of the Township of Mansfield, County of Warren,

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, County of Warren that the following named employee shall be compensated for the year 2021, unless otherwise noted, in the amount as designated below:

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>SALARY</u></b>
Dena Hrebenak	Part -Time Registered Municipal Clerk	\$ 40,000.00 Annual Commencing October 18, 2021

Mrs. Mora Dillon made a motion to approve Resolution 2021-208, which was seconded by Mr. McGuinness.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

Mayor Watters asked what needs to be done with the Municipal Lien that was part of the Tax Collector's Report.

Ms. Hrebenak explained that if the person is still interested the resolution will need to be repealed and a new resolution will need to be passed with the correct amounts if the Committee still desires to assign the lien.

The Township Committee agreed to move forward with the lien assignment if the requestor is still interested.

Mayor Watters asked of the boiler is now fixed.

John Snyder stated that the water heat valve was bad which cause the boiler to go steam bound. Stryker came out to make the repairs.

### **EXECUTIVE SESSION**

Mayor Watters announced moving into Executive Session at 9:33 pm.

Mrs. Mora Dillon made a motion to go into Executive Session, which was seconded by Mr. McGuinness.

Mr. Lavery stated the Executive Session discussion will include:

- Contractual matter dealing with Tri-County Fire
- Personnel matter dealing with Police, Clerk, Zoning
- Contractual matter dealing with time clocks
- Contractual matter dealing with scanning
- Contractual matter dealing with cleaning company

### **RETURN FROM EXECUTIVE SESSION**

Return from Executive Session at 10:47 pm.

Mr. Hayes made a motion to return to Regular Session, which was seconded by Mr. McGuinness.

Roll Call: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Mr. Lavery announced the return from Executive Session at 10:47 pm where they discussed:

- Contractual matter dealing with Tri-County Fire
- Personnel matter dealing with Police, Clerk, Zoning
- Contractual matter dealing with time clocks

- Contractual matter dealing with scanning
- Contractual matter dealing with cleaning company

No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no longer a harm to the public interest.

Mr. Lavery stated a motion is needed to authorize the Clerk to make an offer to the Clerk candidate to start on January 4, 2022 as discussed in Executive Session.

Mr. Hayes made a motion, which was seconded by Mr. McGuinness.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

Mr. Lavery stated a motion to authorize the Clerk to make an offer to the Zoning Officer as discussed in Executive Session. Mr. Lavery suggested Mr. Ferriero to continue to handle the Route 57 issue.

Mr. Hayes made a motion which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

Discussion of the Train Station property.

Mr. Hayes made a motion to adjourn at 10:52 pm, which was carried by all.